IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND

BETWEEN   LUKE ADAMS
                 Applicant

AND   RON'S PLUMBING 2011
                 LIMITED
                 Respondent

Member of Authority:	Vicki Campbell
Representatives:	David Adams for Applicant No appearance for Respondent
Investigation Meeting:	On the papers
Determination:	21 May 2015

DETERMINATION OF THE AUTHORITY

A.   **Ron's Plumbing 2011 Limited is ordered to pay to Mr Adams within 14 days of the date of this determination unpaid wages in the sum of $4,300, plus outstanding holiday pay of $344.00.**

B.   **Mr Adams application for reimbursement of fuel is declined.**

B.   **Ron's Plumbing 2011 Limited is ordered to pay to Mr Adams the filing fee of $71.56 within 14 days of the date of this determination.**

Employment relationship problem

[1]   Mr Luke Adams lodged a Statement of Problem in the Authority on 17 March 2015 claiming he is owed unpaid wages from his employment with Ron's Plumbing 2011 Limited (Ron's Plumbing) and seeking reimbursement of the costs associated with his application.

[2]   The Authority was unsuccessful in serving the Statement of Problem on the Respondent. The Applicant arranged to personally serve the Statement of Problem on the sole director of Ron's Plumbing, Mr Ronald Ravindra Singh.   An affidavit confirming the statement of problem was served on the director at the company's registered address for service has been provided to the Authority. No statement in reply has been lodged.

[3]   After receiving notice of an email address for Mr Singh the Authority sent an email to Mr Singh setting out Ron's Plumbing's obligation to lodge a Statement in Reply within 14 days of being served with an application lodged in the Authority. Mr Singh was advised that where a party fails to respond by lodging a Statement in Reply that party was entitled to reply or respond only with the leave of the Authority. Mr Singh was further advised that as the Authority had not received a Statement in Reply, if Mr Singh wished to lodge a Statement in Reply it must be accompanied by an application for leave to lodge out of time.

[4]   No response to the email has been received and the matter was put before me. In a Minute dated 23 April 2015 I proposed to the parties, in writing, that the matter be dealt with on the papers. Ron's Plumbing was once again reminded that should it wish to respond to the matter it would require the leave of the Authority to do so.

[5]   The parties were offered an opportunity to respond to my proposed process and Mr Adams was requested to personally serve the Minute on Ron's Plumbing. Mr David Adams has provided a sworn statement that the Minute was served on Mr Singh on 25 April 2015 at 1.00pm by handing the documents to Mr Singh personally.

[6]   Ron's Plumbing has failed to engage with the Authority in this matter.   I am satisfied the Authority has done everything it can reasonably do to advise Ron's Plumbing of this claim. I have therefore proceeded to determine the matter pursuant to clause 12 of the second schedule of the Employment Relations Act 2000 (the Act)

Issues

[7]   The issues for determination are whether orders should be made requiring Ron's Plumbing to pay to Mr Adams $4,300 in arrears of wages, $344.00 in unpaid holiday pay and $192.66 for expenses incurred in his employment.

Background

[8]   Mr Adams was employed by Ron's Plumbing as a drain-layer/plumber. Mr Adams says he did not receive any wages from his employer for the entire time of his employment despite requests for payment.

[9]   The terms and conditions of Mr Adams employment were set out in a written employment agreement signed by both himself and Mr Singh. The agreement provided for the payment of wages at the rate of $20.00 per hour.

Arrears of wages

[10]   Mr Adams has provided a record showing the days and hours he worked each day from 28 August to 20 September 2014.

[11]   Mr Adams claims he has not received any payments for his work and seeks payment for a total of 215 hours at the rate of $20.00 per hour. In the absence of any information to the contrary I find Mr Adams is owed arrears of wages in the sum of $4,300.

[12]   Mr Adams claims holiday pay of 8% on the arrears of wages. I find Mr Adams is owed holiday pay in the amount of $344.00.

[13]   Mr Adams claims expenses of $192.66 for fuel. Mr Adams has not provided any evidence to support this claim. The employment agreement does not record an agreement to reimburse Mr Adams for fuel. I find the claim is not established and Mr Adams claim is declined.

[14]   Ron's Plumbing 2011 Limited is ordered to pay to Mr Adams within 14 days of the date of this determination unpaid wages in the sum of $4,300, plus outstanding holiday pay of $344.00.

Costs

[15]   Mr Adams is entitled to be reimbursed the filing fee on this application. Ron's Plumbing 2011 Limited is ordered to pay to Mr Adams $71.56 within 14 days of the date of this determination.

Personal Service

[16]   Mr Adams is directed to personally serve a copy of this Determination upon the Respondent.

Vicki Campbell
Member of the Employment Relations Authority